



# Oil and Gas (Enterprise) Act 1982

## 1982 CHAPTER 23

### PART IV

#### OFFSHORE ACTIVITIES

#### **21 Safety zones around installations**

- (1) The Secretary of State may by order establish a safety zone around any installation which, or part of which, is maintained, or is in the course of being assembled or dismantled, in waters to which this section applies.
- (2) A safety zone shall not extend more than five hundred metres from the installation to which it relates but, subject to that, may extend to waters outside waters to which this section applies.
- (3) A vessel shall not enter or remain in a safety zone except under and in accordance with the terms of an order made or consent given by the Secretary of State.
- (4) If a vessel enters or remains in a safety zone in contravention of subsection (3) above, then, subject to subsection (5) below, its owner and its master shall each be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum; and
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (5) It shall be a defence for a person charged with an offence under this section to prove that the establishment of the safety zone was not, and would not on reasonable enquiry have become, known to the master.
- (6) Where the commission by any person of an offence under this section is due to the act or default of some other person, that other person, as well as the first-mentioned person, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (7) Where a body corporate is guilty of an offence under this section and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer

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of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Where the affairs of a body corporate are managed by its members this subsection shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

- (8) Proceedings for an offence under this section may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (9) The waters to which this section applies are—
- (a) tidal waters and parts of the sea in or adjacent to the United Kingdom up to the seaward limits of territorial waters; and
  - (b) waters in any area designated under section 1(7) of the Continental Shelf Act 1964 (in this Act referred to as "the 1964 Act").
- (10) In this section " installation " does not include any part of a pipe-line within the meaning of section 33 of the 1975 Act other than apparatus or works which are by virtue of that section to be treated as associated with a pipe or system of pipes for the purposes of Part III of that Act.
- (11) Section 2 of the 1964 Act (which is superseded by this section) shall cease to have effect.

## **22 Application of criminal law etc.**

- (1) Her Majesty may by Order in Council provide that, in such cases and subject to such exceptions as may be prescribed by the Order, any act or omission which—
- (a) takes place on, under or above an installation in waters to which this section applies or any waters within five hundred metres of any such installation; and
  - (b) would, if taking place in any part of the United Kingdom, constitute an offence under the law in force in that part,
- shall be treated for the purposes of that law as taking place in that part.

- (2) Her Majesty may by Order in Council provide that, in such cases and subject to such exceptions as may be prescribed by the Order, a constable shall on, under or above any installation in waters to which this section applies or any waters within five hundred metres of such an installation have all the powers, protection and privileges which he has in the area for which he acts as constable.

This subsection is without prejudice to any other enactment or rule of law affording any power, protection or privilege to constables.

- (3) Subsections (7) and (8) of section 21 above shall apply in relation to anything that is an offence by virtue of an Order in Council under this section as they apply in relation to an offence under that section.
- (4) The waters to which this section applies are—
- (a) territorial waters of the United Kingdom ;
  - (b) waters in any area designated under section 1(7) of the 1964 Act; and
  - (c) waters in any area specified under subsection (5) below.

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- (5) Her Majesty may from time to time by Order in Council specify any area which—
- (a) is in a foreign sector of the continental shelf ; and
  - (b) comprises any part of a cross-boundary field,
- as an area as respects which the powers conferred by this section and section 23 below are exercisable.
- (6) In this section—
- " cross-boundary field " means a field that extends across the boundary between an area designated under section 1(7) of the 1964 Act and a foreign sector of the continental shelf;
  - " field " means a geological structure identified as such by Order in Council under subsection (5) above.
- (7) This section and section 23 below shall apply to installations notwithstanding that they are for the time being in transit.
- (8) Section 3 of the 1964 Act (which is superseded by this section and section 23 below) shall cease to have effect

## **23 Application of civil law**

- (1) Her Majesty may by Order in Council—
- (a) provide that, in such cases and subject to such exceptions as may be prescribed by the Order, questions arising out of acts or omissions taking place on, under or above waters to which this section applies in connection with any activity mentioned in subsection (2) below shall be determined in accordance with the law in force in such part of the United Kingdom as may be specified in the Order ; and
  - (b) make provision for conferring jurisdiction with respect to such questions on courts in any part of the United Kingdom so specified.
- (2) The activities referred to in subsection (1) above are—
- (a) activities connected with the exploration of, or the exploitation of the natural resources of, the shore or bed of waters to which this section applies or the subsoil beneath it; and
  - (b) without prejudice to the generality of paragraph (a) above, activities carried on from, by means of or on, or for purposes connected with, installations to which subsection (3) below applies.
- (3) This subsection applies to any installation which is or has been maintained, or is intended to be established, for the carrying on of any of the following activities, namely—
- (a) the exploitation or exploration of mineral resources in or under the shore or bed of waters to which this section applies;
  - (b) the storage of gas in or under the shore or bed of such waters or the recovery of gas so stored;
  - (c) the conveyance of things by means of a pipe, or system of pipes, constructed or placed on, in or under the shore or bed of such waters ; and
  - (d) the provision of accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established,

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for the carrying on of an activity falling within paragraph (a), (b) or (c) above or this paragraph.

- (4) The fact that an installation has been maintained for the carrying on of an activity falling within subsection (3) above shall be disregarded for the purposes of that subsection if, since it was so maintained, it has been outside waters to which this section applies or has been maintained for the carrying on of an activity not falling within that subsection.
- (5) Any jurisdiction conferred on any court under this section shall be without prejudice to any jurisdiction exercisable apart from this section by that or any other court.
- (6) The waters to which this section applies are—
- (a) tidal waters and parts of the sea in or adjacent to the United Kingdom up to the seaward limits of territorial waters;
  - (b) waters in any area designated under section 1(7) of the 1964 Act;
  - (c) waters in any area specified under section 22(5) above; and
  - (d) in relation to installations which are or have been maintained, or are intended to be established, in waters falling within paragraph (a), (b) or (c) above, waters in a foreign sector of the continental shelf which are adjacent to such waters.

## 24 Extended meaning of " offshore installation " in the 1971 Act

For section 1 of the Mineral Workings (Offshore Installations) Act 1971 (in this Act referred to as "the 1971 Act") there shall be substituted the following section—

### “1 Application of Act.

- (1) This Act shall apply to any activity mentioned in subsection (2) below which is carried on from, by means of or on an installation which is maintained in the water, or on the foreshore or other land intermittently covered with water, and is not connected with dry land by a permanent structure providing access at all times and for all purposes.
- (2) The activities referred to in subsection (1) above are—
- (a) the exploitation or exploration of mineral resources in or under the shore or bed of controlled waters;
  - (b) the storage of gas in or under the shore or bed of controlled waters or the recovery of gas so stored ;
  - (c) the conveyance of things by means of a pipe, or system of pipes, constructed or placed on, in or under the shore or bed of controlled waters ; and
  - (d) the provision of accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, for the carrying on of an activity falling within paragraph (a), (b) or (c) above or this paragraph.
- (3) Her Majesty may by Order in Council provide that, in such cases and subject to such exceptions and modifications as may be prescribed by the Order, this Act shall have effect as if—

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- (a) any reference to controlled waters included a reference to waters in any area specified under section 22(5) of the Oil and Gas (Enterprise) Act 1982 ; and
- (b) in relation to installations which are or have been maintained, or are intended to be established, in controlled waters, any reference in subsection (2) above to controlled waters included a reference to waters in a foreign sector of the continental shelf which are adjacent to such waters.

(4) In this Act—

' controlled waters ' means—

- (a) tidal waters and parts of the sea in or adjacent to the United Kingdom up to the seaward limits of territorial waters;
- (b) waters in any area designated under section 1(7) of the Continental Shelf Act 1964; and
- (c) such inland waters as may for the time being be specified for the purposes of this paragraph by Order in Council;

' foreign sector of the continental shelf ' means an area which is outside the territorial waters of any state and within which rights are exercisable by a state other than the United Kingdom with respect to the sea bed and subsoil and their natural resources ;

' offshore installation ' means any installation which is or has been maintained, or is intended to be established, for the carrying on of any activity to which this Act applies.

(5) In this section—

' exploration ' means exploration with a view to exploitation;

' inland waters ' means waters within the United Kingdom other than tidal waters and parts of the sea;

' installation ' includes—

- (a) any floating structure or device maintained on a station by whatever means; and
- (b) in such cases and subject to such exceptions as may be prescribed by Order in Council, any apparatus or works which are by virtue of section 33 of the Petroleum and Submarine Pipe-lines Act 1975 to be treated as associated with a pipe or system of pipes for the purposes of Part III of that Act,

but, subject to paragraph (b) above, does not include any part of a pipeline within the meaning of that section ;

' modifications ' includes additions, omissions and alterations.

(6) The fact that an installation has been maintained for the carrying on of an activity falling within subsection (2) above shall be disregarded for the purposes of this section if, since it was so maintained, the installation—

- (a) has been outside controlled waters or, where it was so maintained in a part of a foreign sector of the continental shelf adjacent to those waters, the area consisting of those waters and that part; or
- (b) has been maintained for the carrying on of an activity not falling within that subsection.

- (7) Orders in Council made under this section may be varied or revoked by a subsequent Order so made; and any statutory instrument containing an Order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

## **25 Extended meaning of " pipe-line " etc. in the 1975 Act**

- (1) In section 33(1) of the 1975 Act (meaning of pipeline etc.), after paragraph (a) there shall be inserted the following paragraph—
- “(aa) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;”.
- (2) In section 22(1) of that Act (compulsory increases in capacity etc. of pipe-lines)—
- (a) for the words " a pipe " in paragraph (b) there shall be substituted the words " another pipe-line "; and
- (b) the words " connected with the pipe-line " in paragraph (i) shall be omitted.
- (3) In section 23 (3)(d) of that Act (acquisition by persons of right to use pipe-lines belonging to others) for the words " a pipe and apparatus" there shall be substituted the words " a pipe-line ".
- (4) Any pipe-line in relation to which there is in force an authorisation which has been granted under Part III of that Act before the coming into force of subsection (1) above shall not be regarded for the purposes of—
- (a) section 24(4) of that Act (termination of authorisations); or
- (b) section 25(1) of that Act (vesting of pipe-lines on termination of authorisations),
- as comprising any such associated apparatus as is mentioned in paragraph (aa) of section 33(1) of that Act.
- (5) In subsection (3)(a) of section 26 of that Act (safety regulations) sub-paragraphs (i) and (ii) (exclusion of pipe-lines forming part of offshore installations etc.) shall cease to have effect.

## **26 Extended application of the Offshore Petroleum Development (Scotland) Act 1975**

- (1) In section 1 of the Offshore Petroleum Development (Scotland) Act 1975 (acquisition of land in connection with offshore petroleum)—
- (a) at the end of subsection (1) there shall be inserted the words " or the storage of gas in or under the sea bed or the recovery of gas so stored ";
- (b) at the end of subsection (2) (a) there shall be inserted the words " or the storage of gas in or under the sea bed or the recovery of gas so stored ";
- (c) at the end of subsection (2)(b) there shall be inserted the words " or conveying gas to or from the places in or under the sea bed where it is stored or to be stored "; and
- (d) in subsection (2)(c) after the word " despatch" there shall be inserted the words " or for the reception of gas and for its storage or onward despatch to or from the places in or under the sea bed where it is stored or to be stored and any treatment incidental thereto ".
- (2) In section 20(2) of that Act (interpretation)—

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- (a) after the definition of " harbour authority " there shall be inserted the following definition—
  - “ installation ' includes any floating structure or device maintained on a station by whatever means ;” ; and
- (b) in the definition of " relevant operations " after the word " petroleum " there shall be inserted the words " or the storage of gas in or under the sea bed or the recovery of gas so stored " .

## 27 Prosecutions

- (1) Subject to subsection (2) below, this section has effect as respects—
  - (a) any offence alleged to have been committed on, under or above an installation in waters to which section 22 above applies, or any waters within five hundred metres of such an installation ;
  - (b) any offence under the 1971 Act alleged to have been committed elsewhere than in the United Kingdom ;
  - (c) any offence committed on or as respects an aircraft which is not registered in the United Kingdom, being an offence created by virtue of paragraph 6(5) of Part III of Schedule 13 to the Civil Aviation Act 1982; and
  - (d) any offence under section 21 above alleged to have been committed elsewhere than in the United Kingdom.
- (2) An offence shall not be one within subsection (1) above if it is an offence under, or under any provision having effect under—
  - (a) the Merchant Shipping Acts 1894 to 1979, or any enactment to be construed as one with the Merchant Shipping Act 1894;
  - (b) the Prevention of Oil Pollution Act 1971, or any enactment to be construed as one with that Act;
  - (c) Part I of the Finance Act 1972, or any enactment to be construed as one with that Part;
  - (d) Part III of the 1975 Act;
  - (e) the Customs and Excise Acts 1979, or any enactment to be construed as one with those Acts or any of them; or
  - (f) except where it is created by virtue of paragraph 6(5) of Part III of Schedule 13 to the Civil Aviation Act 1982, that Act or any enactment to be construed as one with that Act.
- (3) No proceedings shall be instituted in England and Wales for an offence within subsection (1) above except—
  - (a) in the case of an offence under the 1971 Act or under section 21 above, by the Secretary of State or by a person authorised in that behalf by the Secretary of State; or
  - (b) in the case of any offence, by or with the consent of the Director of Public Prosecutions ;but this subsection shall not apply to an offence if prosecution of that offence in England and Wales requires the consent of the Attorney General.
- (4) No proceedings shall be instituted in Northern Ireland for any offence within subsection (1) above except—

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- (a) in the case of an offence under the 1971 Act or under section 21 above, by the Secretary of State or by a person authorised in that behalf by the Secretary of State; or
- (b) in the case of any offence, by or with the consent of the Director of Public Prosecutions for Northern Ireland;

but this subsection shall not apply to an offence if prosecution of that offence in Northern Ireland requires the consent of the Attorney General for Northern Ireland.

- (5) Section 3 of the Territorial Waters Jurisdiction Act 1878 (consents required for prosecutions) shall not apply to any proceedings for an offence within subsection (1) above.
- (6) Any reference in this section to an offence under the 1971 Act includes a reference to an offence under regulations made under that Act.
- (7) Section 10 of the 1971 Act (which is superseded by this section) shall cease to have effect.

## 28 Interpretation of Part IV

- (1) In this Part—

" foreign sector of the continental shelf " means an area which is outside the territorial waters of any state and within which rights are exercisable by a state other than the United Kingdom with respect to the sea bed and subsoil and their natural resources ;

" installation" includes any floating structure or device maintained on a station by whatever means ;

"statutory maximum", in relation to a fine on summary conviction, means—

- (a) in England, Wales and Northern Ireland, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980 (at the passing of this Act £1,000); and
- (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1,000);

and for the purpose of the application of this definition in Northern Ireland the provisions of the said Act of 1980 which relate to the sum mentioned in paragraph (a) above shall extend to Northern Ireland ;

" submersible apparatus" has the same meaning as in section 16(2) of the Merchant Shipping Act 1974 ;

" vessel " includes a hovercraft, submersible apparatus and an installation which is in transit and " master "—

- (a) in relation to a hovercraft, means the captain ;
- (b) in relation to submersible apparatus, means the person in charge of the apparatus ; and
- (c) in relation to an installation which is in transit, means the person in charge of the transit operation.

- (2) It is hereby declared that, notwithstanding that this Part may affect individuals or bodies corporate outside the United Kingdom, it applies to any individual whether



or not he is a British subject, and to any body corporate whether or not incorporated under the law of any part of the United Kingdom.